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1/16/04  
(Date)

Amy L. Hamm  
(Printed Name)

A L Hamm  
(Signature)

Atty. Docket #: 5500\*128

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT: Richard Deroose *et al.***

**SERIAL NO: Not yet assigned**

**ART UNIT: Not yet assigned**

**FILED: Herewith**

**EXAMINER: Not yet assigned**

FOR: "Maize H3C4 Promoter Combined With  
The First Intron Of Rice Actin, Chimeric  
Gene Comprising It And Transformed Plant"

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Copies of the references listed on the PTO/SB/08 are not provided because they were either submitted by Applicants or cited by the Examiner in application Serial No. 09/037,531, which is relied upon for priority under 35 U.S.C. 120.

An early and favorable Office Action is requested.

Dated: January 16, 2004

Respectfully submitted,

By Liza D. Hohenschutz

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LDH/alh/309945

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Richard DeRose
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	05500-00128-US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	5,510,471	4/23/96	Rhone-Poulenc Agrochimie	
	AB	5,635,618	6/3/97	Rhone-Poulenc Agrochimie	
	AC	5,641,876	06/24/97	Cornell research Foundation, Inc.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	EP 508,909	10/14/92	Rhone-Poulenc Agrochimie	See AA	
	BB	EP 652,286	5/10/95	Rhone-Poulenc Agrochimie	See AB	
	BC	PCT 97/04103	2/6/97	PCT		
	BD	PCT 92/04449	3/19/92	PCT		
	BE	PCT 91/09948	7/11/91	PCT		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
		Plant Molecular Biology 22: 1007-1015, 1993, "Nuclease sensitivity and functional analysis of a maize histone H3 gene promoter", Brignon et al.		
		The Plant Journal (1993) 3(2), 241-252, "A wheat histone H3 promoter confers cell division-dependent...gene in transgenic rice plants", Terada et al.		
		Plant Science, 89 (1993), 177-184, "Replication-independent cis-acting element of a maize histone gene promoter", Marc Lepetit et al.		
		Mol Gen. Genet (1989) 219:404-412, "Organization of the histone H3 and H4 multigenic families in maize and in relate genomes", Nicole Chaubet et al.		
		Plant Molecular Biology, 22: 1007-1015, 1993, "Nuclease sensitivity and functional analysis of a maize histone H3 gene promoter", Pierre Brignon et al.		
		Kim et al. Plant Molecular Biology, 1994, vol. 24, pp. 105-117.		
		Benfey et al. Science, 1990, vol. 250, pp. 959-966.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature		Date Considered	
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